IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1758 OF 2006

Arun Ramchandra Deshpande & Ors. .. Petitioners.

Versus

Harichandra Sonu Sawant & Ors. .. Respondents.

Shri.A.P.Paralikar for the petitioners.

None for the respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 9TH FEBRUARY, 2007.

P.C.:

1. Heard Shri.Paralikar, learned Advocate appearing for the petitioners-original defendants.

2. Despite his sincere and pursuasive efforts, he could not convince me as to why the order passed by the Court below permitting the respondents to withdraw the civil suit with liberty to file a fresh suit requires interference in this Court’s equitable, discretionary and extraordinary jurisdiction under Article 227 of the

Constitution of India. All that the Court below has permitted the original plaintiff is to withdraw the suit being satisfied that a case is made out for the same so also to grant liberty to institute a fresh suit.

3. There is no prejudice caused to the present petitioners by such withdrawal and even if the fresh suit is instituted, they are always at liberty to raise all contentions as are permissible in law. Petition dismissed.

(S.C.Dharmadhikari, J.)